

REMARKS

Applicants note with appreciation the courtesies extended by Examiner Strimbu in the telephone interviews of January 7, 2008 and March 25, 2008.

Upon entry of the foregoing amendment, claims 1-43 and 45-48 are pending in the present application. Claims 22-31 have been withdrawn from consideration by the Examiner. Claims 1, 6, 7, 11, 13-15, 22-24, 31, 32, 38-42, and 47 have been amended, and claim 44 has been cancelled. In view of the foregoing amendment and the following remarks, Applicants respectfully request allowance of the pending claims.

(A) Applicants' Summary of the Interview of January 7, 2008

On January 7, 2008, Applicants' representative conducted a telephonic interview with Examiner Strimbu to discuss amendments made previously to independent claims 32, 40, and 42 with respect to the references cited in the prior art rejections. No agreement was reached.

(B) Applicants' Summary of the Interview of March 25, 2008

On March 25, 2008, Applicants' representative conducted a telephonic interview with Examiner Strimbu to discuss the Office Action of January 25, 2008. Specifically, Applicants' representative and Examiner Strimbu discussed proposed claim amendments with respect to the §112 rejections and the rejections based on Massey et al. (U.S. 2003/0052492), Hagemeyer (U.S. 4,573,287), and Clancy (U.S. 4,594,812).

Claims 1-43 and 45-48, as presently recited, have been amended in accordance with the interview discussions of March 25, 2008. During the interview, the Examiner agreed that the proposed amendments appear to obviate all the rejections made of record. However, the Examiner indicated that further search and consideration was necessary for a final determination on patentability.

In the Office Action of January 25, 2008, the Examiner rejected claims 1-21 and 32-48 under 35 U.S.C. §112, second paragraph. Claims 1-21 and 32-48 were rejected under 35 U.S.C. §103 as being unpatentable over Massey et al. in view of Hendrickson et al. (U.S. 6,684,571). Claims 32-36 and 38 were rejected under 35 U.S.C. 102(b) as anticipated by Hagemeyer et al. Claims 42-45 were rejected under 35 U.S.C. 102(b) as being anticipated by Clancy et al. Claim 37 was rejected under 35 U.S.C. 103 as being unpatentable over Hagemeyer et al. in view of Massey et al.

Claims 1-21, 39, and 47

As discussed in the interview of March 25, 2008, none of the references cited, including Massey et al., disclose, teach, or suggest, among other things, “a spacer having a distal end protruding outwardly from a major surface of the side portion in a direction that is substantially parallel to the interior flange and substantially perpendicular to said major surface for preventing the outer edge of the passive door from contacting the major surface of the side portion of the frame and for allowing air flow between the outer edge of the passive door and the side portion of the frame when the astragal assembly is affixed thereto,” as presently recited in independent claim 1 of Applicants’ invention. Specifically, the element shown in FIG. 24 of Massey et al. which is cited by the Examiner as Applicants’ “spacer” does not have “a distal end protruding outwardly from a major surface of the side portion in a direction that is substantially parallel to the interior flange and substantially perpendicular to said major surface for preventing the outer edge of the passive door from contacting the major surface of the side portion of the frame,” as recited. Therefore, claim 1 is patentable over each of the references cited, either alone or in combination with one another.

Regarding claims 2-21, 39, and 47, it is respectfully submitted that for at least the reason that claims 2-21, 39, and 47 depend from independent claim 1, and therefore contain each of the features as presently recited in this claim, claims 2-21, 39, and 47 are therefore also patentable over each of the references cited, and withdrawal of the rejection of these claims is also earnestly solicited.

Claims 32-38

As discussed in the interview of March 25, 2008, none of the references cited, including Massey et al. and Hagemeyer et al. disclose, teach, or suggest, among other things, “a gasket interconnected between said side portion and said exterior portion, a fastening formation disposed on the major surface of the side portion, and a spacer having a distal end protruding from a major surface of the side portion in a direction that is substantially perpendicular to the major surface and substantially parallel to said interior flange,” as presently recited in independent claim 32 of Applicants’ invention. FIG. 24 of Massey et al. shows now such feature, and FIG. 6 of Hagemeyer shows no such feature. Therefore, claim 32 is patentable over each of the references cited, either alone or in combination with one another.

Regarding claims 33-38, it is respectfully submitted that for at least the reason that claims 33-38 depend from independent claim 32, and therefore contain each of the features as presently recited in this claim, claims 33-38 are therefore also patentable over each of the references cited, and withdrawal of the rejection of these claims is also earnestly solicited.

Claims 40, 41, 46, and 48

As discussed in the interview of March 25, 2008, none of the references cited, including Massey et al., disclose, teach, or suggest, among other things, “at least one elongated spacer extending directly from said side portion and having a distal end that engages said wooden insert, said at least one spacer maintaining said wooden insert in position within said opening,” as presently recited in independent claim 40 of Applicants’ invention. Therefore, claim 40 is patentable over each of the references cited, either alone or in combination with one another.

Regarding claims 41, 46, and 48, it is respectfully submitted that for at least the reason that claims 41, 46, and 48 depend from independent claim 40, and therefore contain each of the features as presently recited in this claim, claims 41, 46, and 48 are therefore also patentable over each of the references cited, and withdrawal of the rejection of these claims is also earnestly solicited.

Claims 42, 43, and 45

As discussed in the interview of March 25, 2008, none of the references cited, including Massey et al. and Clancy et al., disclose, teach, or suggest, among other things, “at least one spacer having a distal end protruding from a major surface of the side portion in a direction that is substantially perpendicular to the major surface and substantially parallel to said interior flange, said at least one spacer for preventing the outer end of the passive door from contacting the major surface of said side portion when the astragal assembly is attached thereto,” as presently recited in independent claim 42 of Applicants’ invention. FIG. 24 of Massey et al. shows no such feature, and FIGS. 3 and 4 of Clancy show no such feature. Therefore, claim 42 is patentable over each of the references cited, either alone or in combination with one another.

Regarding claims 43 and 45, it is respectfully submitted that for at least the reason that claims 43 and 45 depend from independent claim 42, and therefore contain each of the features as presently recited in this claim, claims 43 and 45 are therefore also patentable over each of the references cited, and withdrawal of the rejection of these claims is also earnestly solicited.

(C) Amendments to Withdrawn Claims

Applicants note that some of the withdrawn claims directed to a combination of the astragal and the doors have been amended to include the features of the claims directed to the subcombination, the astragal assembly. For example, independent claim 23, which is directed to a door assembly, has been amended to recite the features of the astragal recited in independent claim 1. Accordingly, Applicants respectfully submit that the withdrawn claims directed to the combination, i.e., claims 22-31, should be allowable, assuming claim 1 becomes allowable.

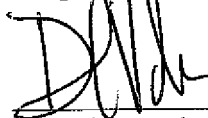
(D) Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

It is believed that no fee has been incurred by this Amendment. If this is incorrect, please charge any fees to Deposit Account debit Account 50-0548.

Respectfully submitted,



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